

This Point II of ours is not involved in *Abbate* (or *Lanza*). It alone should be decisive of the present case in petitioner's favor.

### III

**Independently of the Fourteenth Amendment, Retrial by a State of a Judgment of Acquittal by a Federal Court Is in Violation of the Supremacy Clause, Fails to Accord Full Faith and Credit to Federal Judgments as Required by 28 U.S.C. Section 1738, and Justifies a Reversal of the Second Conviction in Aid of the Jurisdiction of the Federal Courts.**

(See same heading in our main brief, pp. 81-84)

Unlike the double jeopardy issue, our contention here does not operate reciprocally upon the federal government, but only as against the states. Our point is that after a federal court has tried a man and acquitted him, it makes a mockery of the judicial power of the United States for a state to relitigate the issue and convict him. We believe that we have stated the point clearly and succinctly in our main brief.

### IV

**The Exclusion of the Evidence of Petitioner's Prior Acquittal, While Admitting Evidence of a Former Conviction in a Different Case and Admitting Testimony From the First Trial, Deprived Petitioner of Due Process.**

(See same heading in our main brief, pp. 85-87)

We have nothing to add to what we have said in our main brief about the extreme unfairness under which the evidence of petitioner's prior acquittal was excluded.

## V

**Under the Circumstances of the Case Taken as a Whole,  
Petitioner Was Deprived of Due Process.**

(See same heading in our main brief, p. 88)

We have nothing to add to the concluding page of our main brief.

**Conclusion**

For the reasons stated in our main brief, our original reply brief and this brief, it is respectfully submitted that the decision of the Supreme Court of Illinois should be reversed and petitioner ordered released.

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